

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**WILFORD RANEY, on behalf of
himself and all others similarly
situated,**

Plaintiff,

V.

JSC FEDERAL CREDIT UNION,

Defendant

CIVIL ACTION NO. _____

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

Defendant JSC Federal Credit Union (“Defendant” or “JSC FCU”) gives notice to this Court of the removal of Cause No. 2021-36515 from the 281st District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division and, in support, shows as follows:

I. PROCEDURAL HISTORY

1. On June 17, 2021, Plaintiff filed a Class Action Complaint (the “Complaint”) asserting claims for violation of the Texas Deceptive Trade Practices Act (“DTPA”) and unjust enrichment against JSC FCU (the “State Court Action”). (Complaint, Ex. 4).

2. JSC FCU was served with the citation and Complaint on July 1, 2021.

3. Defendant filed their Original Answer on August 2, 2021.¹

¹ Defendant filed its Original Answer (the “Answer”) prior to this filing. Defendant, however, has not received a file-stamped copy of the Answer nor is the Answer reflected on the state court docket at this time. Defendant will file a supplemental appendix to its notice of removal upon receiving the file-stamped Answer.

II.
VENUE

4. Venue is proper in this Court under 28 U.S.C. § 1441(a), because the Southern District of Texas, Houston Division is the federal judicial district encompassing the 281st Judicial District Court of Harris County, Texas, where this suit originally was filed.

III.
THE PARTIES

5. Upon information and belief, Plaintiff is an individual resident of Texas.

6. Defendant is a federally chartered credit union with its principal place of business in Harris County, Texas.

IV.
GROUND FOR REMOVAL—FEDERAL QUESTION JURISDICTION

7. The State Court Action is a removable “civil action” under 28 U.S.C. § 1441(a). This Court has original jurisdiction pursuant to 28 U.S.C. § 1331, because the National Credit Union Administration’s regulations implementing the Federal Credit Union Act (12 U.S.C. § 1751 *et al*) and the Truth in Savings Act (12 U.S.C. ch. 44 § 4301), completely preempt all of Plaintiff’s state law claims, raising a substantial federal question. *See* 12 C.F.R. 701 and 707.

V.
REMOVAL PROCEDURES

8. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal (the “Notice”) is timely filed within thirty days after Defendant’s receipt of the citation and the Complaint.

9. In accordance with 28 U.S.C. § 1446(a), a copy of all process, pleadings, orders and other papers in the State Court Action are attached hereto as Exhibits A-1 through A-5, including the Docket of the District Court of Harris County (Ex. A-1), Request for Issuance of Citation (Ex. A-2), Affidavit of Service (Ex. A-3), Complaint (Ex. A-4), and Defendant’s Original Answer (Ex. A-5).

10. In accordance with LR81, a list of all counsel of record is attached hereto as Exhibit A-6.

11. Defendant complied with all applicable provisions of 28 U.S.C. §1441 *et seq.*, the applicable Federal Rules of Civil Procedure, and the Local Rules in this district.

12. Promptly after the filing of this Notice, Defendant shall provide notice of the removal to Plaintiff and to the clerk of the court in the State Court Action, as required by 28 U.S.C. § 1446(d).

13. By virtue of this Notice, Defendant does not waive its rights to assert any claims or other motions, including but not limited to Rule 12 motions, permitted by the Federal Rules of Civil Procedure.

14. Defendant retains the right to supplement the jurisdictional allegations by affidavit, declaration, or otherwise should Plaintiff challenge the allegations in a motion to remand or other filing.

VI.
JURY DEMAND

15. Plaintiff has demanded a jury trial in the State Court Action.

VII.
CONCLUSION

16. Defendant removes the State Court Action to this Court, and requests that the Court proceed with this action as if it had originally commenced in this Court and make all orders necessary and appropriate to effectuate this removal.

Respectfully submitted,

By: /s/ Jonathan D. Neerman

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**ATTORNEYS FOR DEFENDANT JSC
FEDERAL CREDIT UNION**

CERTIFICATE OF SERVICE

This is to certify that on this 2nd day of August, 2021, a true and correct copy of the foregoing document was served upon the following counsel of record via the Court's electronic filing service:

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/s/ Jonathan D. Neerman

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